

**CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS**

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

ANGELO M. RIVERA,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL5206411

License No.: 970466 (PS)

Date: February 17, 2011

The respondent is charged with the violations in the attached Notice of Hearing.

A hearing was scheduled for February 2, 2011. The respondent did not appear.

The respondent is found **guilty upon default**. The respondent is further found guilty of violating 6 RCNY Section 1-14 for failing to appear at a duly noticed hearing.

ORDER

The respondent is therefore **ordered to pay to the Department of Consumer Affairs a TOTAL FINE of \$44,000.** as follows:

6 RCNY Section 2-233(b)(5) [failure to keep records in chronological order] (\$1,000 per count, for 11 counts)	\$11,000
6 RCNY Section 2-233(b)(5) [failure to maintain entries in a properly bound and paginated volume or logbook] (\$1,000 per count, for 2 counts)	\$2,000
6 RCNY Section 2-233(a)(2)(ii) (\$1,000 per count, for 10 counts)	\$10,000
6 RCNY Section 2-233(a)(2)(vi) (\$1,000 per count, for 10 counts)	\$10,000
6 RCNY Section 2-233(b)(2) (\$1,000 per count, for 10 counts)	\$10,000

6 RCNY Section 6-42(c)	\$ 500
6 RCNY §1-14	\$ 500
TOTAL	\$44,000

The respondent's license is **REVOKED effective immediately**. The respondent is directed to surrender the license document to the Licensing Division immediately. Please NOTE that if the respondent continues to operate with a revoked license, the respondent is subject to CRIMINAL PROSECUTION and/or civil penalties of \$100 per day for each day of unlicensed activity, as well as the closing of the respondent's business and/or the removal of items sold, offered for sale, or utilized in the operation of such business, pursuant to the Administrative Code of the City of New York Sections 20-105 and 20-106 (the "Padlock Law").

Additionally, **the respondent is deemed unfit to hold any license issued by the Department of Consumer Affairs for a period of 5 years.**

This constitutes the Decision and Order of the Department of Consumer Affairs.

M. Mirro
Administrative Law Judge

Cc: Lori Barrett, Esq.

**Mail payment of fine in the enclosed
envelope addressed to:**

NYC Department of Consumer Affairs
Collections Division
42 Broadway, 9th Floor
New York, NY 10004

APPEAL INFORMATION

You have 15 days to file a **MOTION TO VACATE** this decision. Your motion **must** include ALL of the following: 1) A check or money order for \$25 payable to the Department of Consumer Affairs; 2) the reason for your failure to appear on the hearing date; *and* 3) a sworn statement outlining a meritorious defense to the charge(s) in the Notice of Hearing.

BY EMAIL: Send your motion to myappeal@dca.nyc.gov and, at the same time, mail the \$25 appeal fee to: DCA Administrative Tribunal, 66 John Street, 11th Floor, New York, NY 10038. Make sure to write the violation number(s) on your check or money order. NOTE: The determination on your motion to vacate may be sent to you by email if you choose to submit your motion to us by email.

BY REGULAR MAIL: Mail your motion and the appeal fee to: Director of Adjudication, Department of Consumer Affairs, 66 John Street, 11th Floor, New York, NY 10038. You must also mail **a copy** of your motion to: Legal Compliance and Fitness Division, Department of Consumer Affairs, 42 Broadway, 9th Floor, New York, NY 10004. Make sure to include in your motion some indication or proof that you have sent a copy of the motion to DCA's Legal Compliance and Fitness Division.